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15 SAFEWAY INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 MICHAEL RODMAN, on behalf of himself
and all others similarly situated,

20 Plaintiff,

21 v.

22 SAFEWAY INC.,

23 Defendant.
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Case No. 3:11-CV-03003-JST (JCS)

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING SUPPLEMENTAL
BRIEFING SCHEDULE**

The Honorable Jon S. Tigar

Pursuant to Northern District of California Civil Local Rules 6-2 and 7-12, plaintiff Michael M. Rodman ("Plaintiff") and defendant Safeway Inc. ("Safeway" and, collectively, the "Parties"), by and through their counsel, stipulate as follows:

1. The parties, pursuant to the case management schedule, filed cross motions for partial summary judgment (ECF No. 171) and summary judgment (ECF No. 173) on July 18, 2014, and opposition briefs on August 11, 2014 (ECF Nos. 183 and 187) (collectively the "Cross-Motions"). The Court heard argument on the Cross-Motions on September 11, 2014. ECF No. 198.

2. Following argument on the Cross-Motions, the Court ordered supplemental briefing on the issue of unconscionability with opening briefs due on Wednesday, October 1, 2014 and response briefs, if any, due on Wednesday, October 15, 2014 (ECF No. 200).

3. Lead defense counsel has suffered a death in his family and will be unavailable for next few days. In light of this, the parties have agreed, subject to the Court's approval, that the supplemental briefing schedule should be extended two days so that opening briefs will be due on Friday, October 3, 2014 and response briefs, if any, will be due Friday, October 17, 2014.

4. The parties have not previously sought an extension of the submission deadlines for the supplemental briefing discussed above. This brief extension will not adversely impact or delay the case schedule.

IT IS SO STIPULATED.

Dated: September 29, 2014

SHEPHERD, FINKELMAN, MILLER & SHAH LLP

By /s/ James C. Shah
JAMES C. SHAH
Attorneys for Plaintiffs

1 Dated: September 29, 2014

CHIMICLES & TIKELLIS, LLP

2
3
4 By /s/ Steven A. Schwartz
STEVEN A. SCHWARTZ
5 TIMOTHY N. MATHEWS
6 Attorneys for Plaintiffs

7 Dated: September 29, 2014

SHEPPARD MULLIN RICHTER & HAMPTON LLP

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9 By /s/ Brian R. Blackman
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BRIAN R. BLACKMAN
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Attorneys for Defendant SAFEWAY INC.

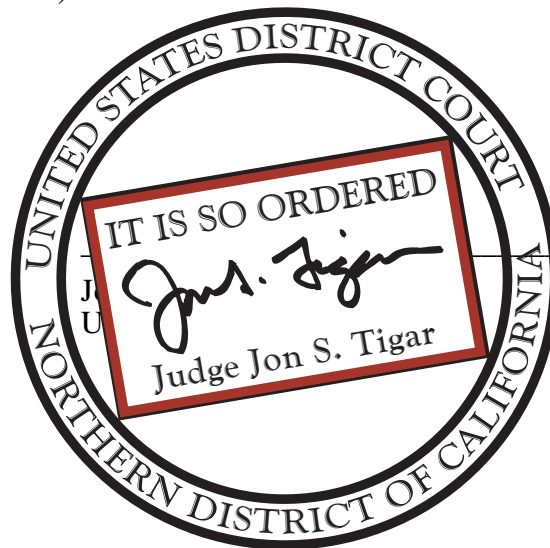
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13 **ORDER**

14 Having considered the parties' stipulation and good cause appearing, the Court orders the
15 following briefing schedule for Supplemental Briefing Re Unconscionability:

- 16 a. Opening Briefs due October 3, 2014;
17 b. Response Briefs, if any, due October 17, 2014

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: September 29, 2014



CERTIFICATION

I, Brian R. Blackman, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Modifying Supplemental Briefing Schedule. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Jim C. Shah and Steven A. Schwartz have concurred in this filing.

Dated: September 29, 2014

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/ Brian R. Blackman
Brian R. Blackman
Attorneys for Defendant